

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1-9 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-9 were rejected under 35 U.S.C. § 102(a) as being anticipated by Downs et al. (U.S. Patent 6,574,609). However, the present invention “said usage conditions including content use points for use in determining whether a user and an equipment can use said first information; said usage details including an identification of said first information, a type of usage, and a control transfer status.” (Claims 1-9) The usage conditions and usage details are described on pages 27-28 of the specification and shown in Figure 12. While Downs discloses a content management system with many similar features to the present invention, Downs’ system is structured differently. Specifically, Downs does not disclose a feature analogous to the present invention’s “content use points” for determining whether the desired information can be used by a specific user or piece of equipment. Since Downs does not discuss a points-based usage condition, Downs’ fails to meet the present invention’s “content use points” and usage condition

limitations. Moreover, Downs does not disclose analogous “usage details” which include “an identification of said first information, a type of usage, and a control transfer status” as required in the present claims. Regarding claims 4-9, the present invention requires “pricing conditions for said first information and a price that corresponds to said pricing conditions.” Whereas Downs simply discloses “the metering of licensing authorization” and enabling “the users to purchase or license Content.” (Column 8, line 35 and Column 9, line 8) Hence, Downs fails to disclose determining a price based on pricing conditions for the information as in the present invention. Accordingly, for at least these reasons, Downs fails to anticipate the present invention and the claims should now be allowed.

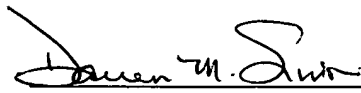
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

Darren M. Simon
Reg. No. 47,946
(212) 588-0800